

REDACTED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY,

Plaintiff,

v.

ACUSHNET COMPANY,

Defendant.

C. A. No. 06-91 (SLR)

**DECLARATION OF THOMAS L. HALKOWSKI IN SUPPORT OF CALLAWAY GOLF
COMPANY'S MOTION FOR A NEW TRIAL AND JUDGMENT AS A MATTER OF LAW**

I, Thomas L. Halkowski, declare as follows:

1. I am a principal of Fish & Richardson P.C., counsel of record in this action for Callaway Golf Company. I am a member of the Bar of the State of Delaware and am admitted to this Court. I have personal knowledge of the matters stated in this declaration and would testify to them under oath if called upon to do so.

2. Attached as **Exhibit A** is a true and correct copy of a law.com article entitled "Howrey Settles Score in 'Golf Ball Wars'," dated March 30, 2010.

3. Attached as **Exhibit B** is a true and correct copy of Acushnet's Demonstrative Exhibit DM 2010.

4. Attached as **Exhibit C** is a true and correct copy of excerpts from the pre-trial hearing transcript, dated March 3, 2010.

5. Attached as **Exhibit D** is a true and correct copy of U.S. Patent 5,006,297.

6. Attached as **Exhibit E** is a true and correct copy of U.S. Patent 4,884,814.

7. Attached as **Exhibit F** is a true and correct copy of U.S. Patent 5,000,458.

8. Attached as **Exhibit G** is a true and correct copy of excerpts from Acushnet Company's Objections and Responses to Callaway Golf Company's First Set of Requests for Admissions to Defendant Acushnet Company Nos. 1-42, dated October 31, 2006.

9. Attached as **Exhibit H** is a true and correct copy of excerpts from the Expert Report of William O. Kerr, Ph.D, dated July 13, 2007.

10. Attached as **Exhibit I** is a true and correct copy of excerpts from the deposition transcript of William O. Kerr, Ph.D, dated August 23, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of April, 2010 at Wilmington, Delaware.

/s/ Thomas L. Halkowski

Thomas L. Halkowski

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2010, the following individuals were served with the attached **DECLARATION OF THOMAS L. HALKOWSKI IN SUPPORT OF CALLAWAY GOLF COMPANY'S MOTION FOR A NEW TRIAL AND JUDGMENT AS A MATTER OF LAW** via electronic mail.

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/s/ Thomas L. Halkowski

Thomas L. Halkowski